

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ELVANO GALLI

Plaintiff,

v.

F/V BARBARA ANN (O.N. 699442)

her engines, boilers, tackle,
fishing permits and appurtenances,
in rem

and Louis Pasquale, *in personam*,
Defendant.

C.A. No.

04-11544 JLT

AFFIDAVIT IN SUPPORT OF MOTION TO APPOINT SUBSTITUTE CUSTODIAN

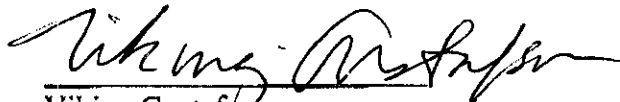
Now comes Viking Gustafson, being duly sworn, deposes and says:

1. I am the general manager of Gloucester Marine Railways, Inc., and in that capacity am personally familiar with the statements contained herein.
2. I am familiar with the F/V BARBARA ANN and vessels of its size and type in general. Gloucester Marine Railways, Inc. has facilities adequate to berth the vessel and safeguard and maintain it during the pendency of these proceedings.
3. Gloucester Marine Railways, Inc. has insurance adequate to provide port risk hull and protection and indemnity insurance for the vessel during the pendency of these proceedings, and agrees to hold the Marshal harmless from all claims whatsoever arising out of Gloucester Marine Railways, Inc.'s role as substitute custodian, except for those claims arising out of the Marshal's own conduct.
4. Gloucester Marine Railways, Inc. will charge \$50.00 per day for storage of the vessel, a fair and reasonable charge for storage of vessels of this type in the Gloucester area.

5. Gloucester Marine Railways, Inc. will charge \$400.00 per hour for towing the vessel, if necessary, and \$50.00 per hour for all other work performed.

Further your deponent sayeth not.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 12 DAY OF JULY OF 2004.


Viking Gustafson

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

July 12, 2004

On this 12th day of July, 2004, before me, the undersigned notary public, personally appeared Viking Gustafson, proved to me through satisfactory evidence of identification Viking Gustafson, to be the person whose name is signed on this document and stated that he/she was the General Manager of Gloucester Marine Railways Inc. and acknowledged the foregoing instrument to be the true act and deed of Gloucester Marine Railways, Inc., before me,


Notary Public
My Commission Expires: _____

Dorothy R. DiChiara
Notary Public
My Commission Expires Dec. 18, 2009